

OA 91 Criminal Complaint

United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA
V.

FREDERICK LIM JOHNSON and EDWARD SANG KANG

FILED
MAY 31 2007
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL COMPLAINT

Case Number:

3.07 70312

EDL

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state that the following is true and correct to the best of my knowledge and belief. On or about SEE ATTACHMENT in _____ County, in the _____ (Date) the Northern District of California District of _____ defendant(s) did,

(Track Statutory Language of Offense)

SEE ATTACHMENT

in violation of Title 18 _____ United States Code, Section(s) 371

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

Official Title

SEE AFFIDAVIT OF BRIAN J. GUY, ATTACHED HERETO

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

Approved

As To

Form: Drew Caputo

AUSA

SA BRIAN J. GUY
Name/Signature of Complainant

Sworn to before me and subscribed in my presence,

May 31, 2007

Date

at San Francisco, California

City and State

Honorable Elizabeth D. Laporte

United States Magistrate Judge

Name & Title of Judicial Officer

Elizabeth D. Laporte
Signature of Judicial Officer

ATTACHMENT TO CRIMINAL COMPLAINT

Between on or about May 25, 2007, and on or about May 30, 2007, in the Northern District of California, the defendants,

FREDERICK LIM JOHNSON,

EDWARD SANG KANG,

did knowingly and intentionally conspire to commit an offense against the United States, specifically bank robbery in violation of Title 18, United States Code, Section 2113(a). In furtherance of the conspiracy and to effect the objects thereof, the defendants committed the following overt act, among others, in the Northern District of California: On May 30, 2007, the defendants traveled from Redwood City, California, to Sunnyvale, California. All in violation of Title 18, United States Code, Section 371.

Maximum Penalties: 5 years imprisonment, \$250,000 fine, 3 years supervised release, and a \$100 special assessment.

AFFIDAVIT OF BRIAN J. GUY
IN SUPPORT OF CRIMINAL COMPLAINT

I, Brian J. Guy, being duly sworn, depose and say as follows:

1. I am a special agent of the Federal Bureau of Investigation ("FBI"). My duties focus on investigating bank robberies.

2. I make this affidavit in support of a criminal complaint charging Frederick Lim Johnson and Edward Sang Kang with conspiracy to commit bank robbery. As described below, there is probable cause to believe that between on or about May 25, 2007, and on or about May 30, 2007, Johnson and Kang knowingly and intentionally conspired to commit an offense against the United States, specifically bank robbery. Johnson is a suspect in a string of bank robberies that occurred in the San Francisco Bay Area between February 24, 2007, and May 14, 2007. On May 25, May 26, and May 29, FBI agents observed Johnson visiting a Wells Fargo Bank in Sunnyvale and moving about in a way consistent with scouting it for a robbery. Johnson and Kang were arrested on May 30, 2007, in a vehicle that had entered and exited the parking lot of the Wells Fargo Bank described in the previous sentence. Agents found in the vehicle a brown tote bag with a loaded semi-automatic handgun, a mask, a pair of gloves, and a blue knit cap. Thus, as further described below, there is probable cause to believe that Johnson and Kang knowingly and intentionally conspired to commit an offense against the United States, specifically bank robbery. Based on this probable cause, I respectfully request that arrest warrants issue for Johnson and Kang.

3. The purpose of this affidavit is to set forth facts establishing probable cause to support the issuance of the requested arrest warrants. The information contained in this affidavit is based either on my own personal knowledge or on information provided to me by other law enforcement officers. Not all facts known to me are necessarily contained in this affidavit. The affidavit is limited to the facts relevant and necessary to establish probable cause for the requested arrest warrants.

EXPERIENCE AND TRAINING

4. I have been an FBI special agent for approximately sixteen years. I have been the bank robbery coordinator for the San Francisco Division of the FBI for approximately ten years.

1 I have investigated hundreds of bank robberies, reviewed over a thousand bank robbery cases,
2 and viewed over a thousand bank surveillance photographs.

3 **APPLICABLE LAW**

4 5. Under 18 U.S.C. § 2113(a), a person commits bank robbery when he uses force
5 and violence or intimidation to take money belonging to a financial institution that is insured by
6 the federal government. A conspiracy to commit bank robbery, in violation of 18 U.S.C. § 371,
7 exists if three elements are satisfied. First, there must be an agreement between the conspirators
8 to commit the crime of bank robbery. Second, the defendants must become members of the
9 conspiracy knowing of at least one of its objects and intending to help accomplish it. Third, at
10 least one of the members of the conspiracy must perform at least one overt act for the purpose of
11 carrying out the conspiracy.

12 **THE ACTIVITIES CONCERNING THE WELLS FARGO BANK**

13 6. Frederick Lim Johnson was previously convicted in the Northern District of
14 California of conspiracy to commit armed bank robbery in relation to the robbery of a Bank of
15 America in San Francisco in 2003. He served a federal prison sentence and is currently on
16 supervised release.

17 7. On Friday, May 25, 2007, I and other FBI agents surveilled Johnson as he visited
18 four separate banks, including the Wells Fargo Bank located at 1202 East Arques Avenue in
19 Sunnyvale, California ("the Wells Fargo Bank"). Among other activities, Johnson appeared to
20 be examining the layout of the bank properties and the streets leading to and from the banks.
21 From the pattern of his movements, and based on my training and experience, I believe that
22 Johnson was scouting the banks with the intent of robbing them. Johnson visited the same Wells
23 Fargo Bank again on May 26, 2007, and on May 29, 2007.

24 8. Johnson and Edward Sang Kang were arrested at approximately 10:00 a.m. on
25 May 30, 2007, near the Wells Fargo Bank, in connection with what the agents believed to be an
26 attempted robbery of that same bank. Earlier that morning, Johnson drove from his girlfriend's
27 residence at 720 Bair Island Road in Redwood City to a parking lot located at 1228 Titan Way in
28 Sunnyvale ("the Titan Way parking lot"), which is approximately 200 yards from the Wells

1 Fargo Bank. During at least part of this drive, Johnson appeared to be driving in tandem with a
2 white sport utility vehicle ("SUV"). Johnson, driving a black Honda Accord, entered the Titan
3 Way parking lot. He parked the Honda with the car's nose facing out of the parking space.
4 Johnson then got into the front passenger seat of the white SUV, which had driven into the Titan
5 Way parking lot. He carried a small brown tote bag as he entered the SUV. As the SUV
6 proceeded from the Titan Way parking lot to the Wells Fargo Bank, Johnson was observed to be
7 changing clothes. The SUV drove to the Wells Fargo Bank, drove into the bank parking lot, and
8 then drove back to the Titan Way parking lot. At that point, FBI agents stopped the SUV and
9 arrested Johnson and the SUV's driver, Kang, on suspicion of attempted bank robbery.

10 9. When agents searched the white SUV, they found a small brown tote bag on the
11 floorboard of the front passenger seat in which Johnson had been sitting. In that bag they found
12 a loaded silver .380 semi-automatic handgun, a Halloween-type mask, a pair of Nike batting
13 gloves, and a dark blue knit cap.

14 **THE SERIES OF PRIOR BANK ROBBERIES IN WHICH JOHNSON IS A SUSPECT**

15 10. Between February 24, 2007, and May 14, 2007, eight robberies occurred at eight
16 separate banks on different days in the San Francisco Bay Area. I have been investigating these
17 robberies, and my investigation has revealed that the robberies appear to be related. For
18 example, the technique used by the robbers was the same in each robbery: Multiple masked
19 robbers entered each bank and brandished guns. One robber controlled the lobby area, while the
20 other(s) vaulted the teller counter and took money from the tellers. The robbers then fled each
21 bank with the money they received. The first of the eight robberies occurred at a Bank of
22 America in Belmont, California, on February 24, 2007.

23 11. On March 22, 2007, a grand jury sitting in this district returned an indictment in
24 Case No. CR 07-0170 MMC against Richard Phillip Duran, charging him with armed bank
25 robbery in violation of 18 U.S.C. 2113(a), (d). The indictment relates to the armed robbery of
26 the Bank of America in Belmont, California, on February 24, 2007, that is described above.
27 Duran so far is the sole individual charged in this indictment, but at least three people committed
28 the robbery.

1 12. Duran was arrested on April 21, 2007, in Sacramento, California. He had spent
2 the previous night in a hotel room that was rented for him by Ava Lalaind and Tyson Perryman.

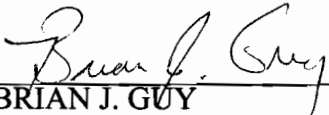
3 13. I interviewed Tyson Perryman on April 22, 2007. Perryman initially denied
4 robbing banks with Duran but then, after further questioning, confessed to robbing three banks
5 with Duran and an unnamed Asian male with whom Duran had spent time in federal prison.
6 Perryman said that Duran told Perryman that Duran learned to rob banks from the Asian male.
7 Perryman described the general location in San Francisco where the unnamed Asian male lives.
8 Based on witness descriptions and review of surveillance videos, it appears that one of the
9 (masked) robbers accompanying Duran in some of the robberies was a black man. Perryman is a
10 black man who fits the description provided by some of the witnesses. In addition, in at least
11 one of the robberies, a witness described one of the masked robbers as having "Asian eyes." At
12 the end of his interview with me on April 22, after I informed Perryman that he might be charged
13 with bank robbery based on his confession, Perryman recanted his confession.

14 14. Frederick Lim Johnson is a convicted bank robber who is an Asian man and who
15 has listed with his federal probation officer a residence in the area of San Francisco described by
16 Perryman as the residence of the unnamed Asian male involved in the bank robberies. Johnson
17 was a prisoner in at least one of the same federal prisons as Duran.

18 **STATEMENT OF PROBABLE CAUSE**

19 15. Based on the facts set forth in this affidavit, I have probable cause to believe that
20 Johnson and Kang conspired to commit bank robbery in violation of 18 U.S.C. § 371. As
21 described above, Johnson and Kang were arrested on May 30, 2007, in a vehicle that had entered
22 and exited the parking lot of a Wells Fargo Bank in Sunnyvale, California. Johnson is a suspect
23 in a string of bank robberies that occurred in the San Francisco Bay Area between February 24,
24 2007, and May 14, 2007. On May 25, May 26, and May 29, FBI agents observed Johnson
25 visiting the Wells Fargo Bank in Sunnyvale described above and moving about in a way
26 consistent with scouting it for a robbery. After agents stopped Johnson and Kang in their vehicle
27 after they left the Wells Fargo Bank parking lot on May 30, they found in the vehicle a brown
28

1 tote bag which contained a loaded silver .380 semi-automatic handgun, a Halloween-type mask,
2 a pair of Nike gloves, and a dark blue knit cap. Thus, there is probable cause to believe that
3 Johnson and Kang knowingly and intentionally conspired to commit an offense against the
4 United States, specifically bank robbery. Based on this probable cause, I respectfully request
5 that arrest warrants issue for Johnson and Kang.

6
7 
8 BRIAN J. GUY
Special Agent, FBI

9
10
11 Subscribed and sworn to before me
this 31st day of May, 2007.

12 
13 HON. ELIZABETH D. LAPORTE
14 United States Magistrate Judge